

ADMINISTRATION AND ENFORCEMENT**§ 153.305 ZONING ADMINISTRATION.**

The zoning chapter will be enforced by a Zoning Administrator appointed according to proceedings adopted by the Town Board of Commissioners.
(’72 Code, § 24-1201) (Ord. 477, passed 2-8-88)

§ 153.306 CERTIFICATES OF OCCUPANCY.

It is illegal to commence or change the use of any building or land, except for land used for agriculture purposes, until a certificate of occupancy has been issued by the Director of Charlotte-Mecklenburg Building Standards or his designee stating that the use complies with the requirements of this chapter.
(’72 Code, § 24-1204) (Ord. 477, passed 2-8-88; Am. Ord. 871, passed 9-12-94) Penalty, see § 153.999

§ 153.307 ZONING PERMITS.

(A) It is illegal for any person to begin the construction or reconstruction of a structure or any part of a structure, or to begin to excavate for a structure, or to make any structural repairs, alterations, or additions to any structure without obtaining a zoning permit from the office or agent authorized by the Matthews Board of Commissioners to issue zoning permits..
(Ord. No. 1418, passed 2-14-05)

(B) The office or agent authorized by the Matthews Board of Commissioners will not issue a zoning permit unless the plans, specifications, and intended use of the structure conform to the requirements of this chapter. The application for a zoning permit must be accompanied by information sufficient to allow the office or agent to act on the request.
(Ord. No. 1418, passed 2-14-05)

(C) In cases where the applicant for a zoning permit appeals a decision of the Zoning Administrator or applies for a variance from the provisions of the chapter, the office or agent receiving the variance or appeal request will forward all information pertaining to the application to the Board of Adjustment.
(Ord. No. 1418, passed 2-14-05)

(D) Any zoning permit issued in accordance with this section will lapse and become invalid if the work for which it was issued is not started within six months of the date of issue or if the work authorized by it is suspended or abandoned for one year.
(’72 Code, § 24-1205) (Ord. 477, passed 2-8-88) Penalty, see § 153.999

§ 153.308 ENFORCEMENT METHODS.

The provisions of this chapter may be enforced by any one or more of the following methods.

(A) *Equitable remedy.* The town may apply for any appropriate equitable remedy to enforce the provisions of this chapter. It is not a defense to the town's application for equitable relief that there are other remedies provided under the general law or this chapter.

(B) *Injunction.* The provisions of this chapter may be enforced by injunction. When a violation of this chapter occurs, the town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

(C) *Order of abatement.* In addition to an injunction, the town may apply for and the court may enter an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions: that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be moved; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the chapter.

(D) *Execution of court decisions.* If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The town may execute the order of abatement and will have a lien on the property in the nature of a mechanic's and materialman's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

(E) *Civil penalties.* If, through inspection, it is determined that a person has failed to comply with the provisions of this chapter, a Town or County code enforcement official may issue a warning citation to the violator, followed by citations of specific monetary fines as outlined below. These civil penalties are in addition to any other penalties imposed by a court for violation of the provisions of this chapter.

(1) *Length of warning citation.* Where violations are clearly of a temporary nature and could physically be

immediately corrected, the violator shall be given a twenty-four hour warning citation. A twenty-four hour citation must be hand-delivered to a responsible representative for the violator, and that individual must sign that he/she has received such citation. Where the violation can be generally believed to be corrected within a short time frame, and does not involve multiple person's coordinated actions and/or require mechanical/vehicular tasks, the violator shall be given a three-day warning citation. Any other violation that may reasonably be expected to be corrected within a limited time period shall be given a ten-day warning citation.

(2) *Citation amounts.* If the violation is not corrected within the specified time period, a citation subject to a \$50 civil penalty may be issued. If the violation is not corrected within twenty-four hours, a second citation subject to a civil penalty up to \$200 for the same violation, may be issued. Subsequent citations subject to a civil penalty up to \$500 may be issued for each day the violation is not corrected. Any citation not paid within fifteen (15) days of issuance shall have a \$10 delinquency charge added per citation to the amount listed on the face of the citation form.

(3) *Appeal of warning citation.* If an individual chooses to appeal a warning citation, they must do so in writing within 72 hours of the issuance of the warning citation to the Matthews Planning Office. A written appeal will stay any monetary citations from being issued. In the case of a twenty-four hour warning, the written appeal must be submitted to the Matthews Planning Office within twenty-four hours in order to stay any citations with fines. An initial request for appeal may be by letter; however an appeal to the Matthews Board of Adjustment must be fully completed and returned to the Matthews Planning Office within ten days of the warning citation. If a letter requesting appeal is submitted but the appeal to the Board of Adjustment is not completed and submitted in the required ten days time, then citations in the amounts provided above may be issued as though no request for appeal had been initiated.

(4) *Civil penalties following a written Notice of Violation.* When a Notice of Violation is written by a Town or County enforcement officer, providing a 30-day period to resolve the violation, and the violation remains at the conclusion of the 30 days, then the Notice of Violation shall serve as the warning citation, and citations with monetary fines as provided in subparagraph (2) above may be issued. Because the written Notice of Violation includes the opportunity for appeal within the initial 30-day period, there is no provision for further appeal.

('72 Code, § 24-3137.5) (Ord. 477, passed 2-8-88; Am. Ord. 591, passed 6-12-89; Ord. 1238, passed 3-11-02)

violation of any provisions of this chapter will be guilty of a misdemeanor. Such a conviction is punishable by fine not exceeding \$500 or imprisonment not exceeding 30 days. After notice of a violation is given, the violator will have 30 days to correct the violation. After that time, each additional day that the violation remains will be considered a separate violation.

('72 Code, § 24-1203) (Ord. 477, passed 2-8-88; Am. Ord. 763, passed 11-2-92)

§ 153.999 PENALTY.

Any person, firm, or corporation convicted of a